

1 JOHN SHAEFFER (SBN 138331)  
jshaeffer@foxrothschild.com  
2 JACK PRAETZELLIS (SBN 267765)  
jpraetzellis@foxrothschild.com  
3 **FOX ROTHSCCHILD LLP**  
345 California Street, Suite 2200  
4 San Francisco, California 94104  
Telephone: 415-364-5540  
5 Facsimile: 415-391-4436

6 Attorneys for Plaintiff E & E Co., Ltd.

7 Patricia A. Welch (SBN 127889)  
welch.patricia@dorsey.com  
8 **DORSEY & WHITNEY LLP**  
305 Lytton Avenue  
9 Palo Alto, California 94301  
Telephone: 650.857-1717  
10 Facsimile: 650.857.1288

11 Attorneys for Defendant  
Northpoint Trading, Inc.

12  
13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15

16 E & E CO., LTD., a California corporation,

17 Plaintiff,

18 v.

19 NORTHPOINT TRADING, INC., a New  
20 York corporation,

21 Defendant.  
22  
23  
24  
25  
26  
27  
28

CASE No. C-15-4847-CRB

**FINAL JUDGMENT UPON CONSENT  
AND PERMANENT INJUNCTION;  
ORDER**

1 This Final Judgment Upon Consent And Permanent Injunction ("Judgment") is  
 2 entered into by and among E & E Co., Ltd. ("E&E") on the one hand and Northpoint  
 3 Trading, Inc. ("Northpoint") on the other hand. Collectively, E&E and Northpoint shall  
 4 be referred to as the "Parties".

### 5 STIPULATED FACTS

6 A. Northpoint filed U.S. Trademark Application Serial No. 86/145,987 (the "'987  
 7 Application") in the United States Patent and Trademark Office ("USPTO") for the mark "Hyde  
 8 Park".

9 B. E&E filed U.S. Trademark Application Serial No. 86/293,659 (the "'659 Applica-  
 10 tion") in the USPTO for the mark "Hyde Park."

11 C. Both the '987 Application and the '659 Application ("collectively, the "Trademark  
 12 Applications") are for International Class 024 products.

13 D. On October 21, 2015, E&E filed a complaint (the "Complaint") in this proceeding  
 14 against Northpoint asserting claims for federal false designation of origin; unfair competition  
 15 under federal law; unfair competition under California law; trademark dilution under California  
 16 law; common law infringement; and certain declaratory relief.

17 E. Northpoint has previously denied liability on such claims.

### 18 ORDER

19 **IT IS HEREBY ORDERED AND ADJUDGED** by consent of the Parties that  
 20 Northpoint, together with its officers, agents, servants, employees, attorneys and those  
 21 persons in active concert with them, or any of them, is hereby permanently enjoined and  
 22 restrained from using in commerce, as a trademark or other designation of source, the  
 23 term "Hyde Park" in connection with any goods coming under International Classes 016,  
 24 020, 021 or 024, including, but not limited to, decorative pillows and bed pillows, bed  
 25 linens, textiles and towels, comforters, bed spreads, bed skirts, duvet covers, bed sheets,  
 26 pillow cases, pillow shams, blanket throws, bed blankets, quilts, mattress covers, sheet  
 27 sets, bath towels, kitchen towels, table napkins, placemats, tablecloths, table linens,  
 28 household linens, washcloths, hand cloths, shower curtains, draperies, fabric valences,


1 sheers, window coverings and treatments, art pictures and art prints, soap dishes, tooth-  
2 brush holders, waste baskets, lotion containers, ceramic jars, mirrors and picture  
3 frames.

4 **IT IS FURTHER ORDERED AND ADJUDGED** that entry of this Judgment  
5 shall conclude this action to the prejudice of any and all claims or cross-claims deemed  
6 merged and barred in accordance with the law.

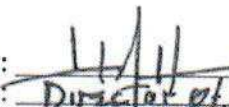
7 The undersigned hereby stipulate to the above facts and consent to the entry of  
8 this Judgment which may be signed in counterparts and may be obtained and exchanged  
9 by facsimile or email.

10 **IT IS SO STIPULATED.**

11  
12 NORTHPOINT TRADING, INC.


13  
14 By:   
15 Its: DIRECTOR PRODUCT DEVELOPMENT  
16 Dated: 04.18.16

17 E & E CO., LTD.

18  
19 By:   
20 Its: Director of Legal Affairs  
21 Dated: 4-13-16

22 **IT IS SO ORDERED.**

23 DATED: May 2, 2016

24   
25 Hon. Charles R. Breyer  
26 United States District Judge  
27  
28